

REMARKS

In the outstanding official action, claims 1-6, 8, 11 and 12 were objected to because the terms "fictitious marking element" and "transition" were deemed to be unclear. Additionally, claim 11 was objected to because it was deemed to be unclear which layers are used for determining the marking element. (With regard to the objection to claims 2 and 6, it is respectfully submitted that this objection is now moot in view of the fact that these claims are cancelled herewith.)

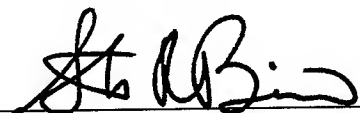
Regarding the term "fictitious marking element", the interpretation presented in the Action is deemed to be generally correct, as this term is clearly defined in the instant specification as being obtained "by selecting a specific property in the design data of the substrate" which is "already present on the substrate" (page 1, last paragraph). A fictitious marking Element is shown in the drawing at reference numeral 5. With regard to the objection to the term "transition", it is respectfully submitted that this objection has been rendered moot by the cancellation of the claims containing this limitation. With regard to the objection to claim 11, this claim has been amended to use standard claim drafting language to more clearly and precisely recite the layers used. In view of the foregoing amendments and

remarks, it is respectfully submitted that the claims are now in proper form.

On the merits, claims 8-11 were deemed to be allowable if rewritten in independent form. In response, and in order to place the instant application in condition for allowance, claims 2-8 and 12 are herewith cancelled, claim 1 has been amended to incorporate the allowable subject matter of claim 8 in its entirety, claims 9 and 10 have been amended to depend from claim 1, which now contains the allowable subject matter of claim 8, and allowable claim 11 has been placed in independent form.

In view of the foregoing amendments and remarks, it is respectfully submitted that all of the currently-pending claims recite subject matter indicated as being allowable, and that all of the still-relevant informalities noted in the Action have been addressed and corrected as appropriate. Accordingly, allowance of the instant application is respectfully submitted to be justified at the present time, and favorable consideration is earnestly solicited.

Respectfully submitted,

By 
Steven R. Biren, Reg. 26,531
(914) 333-9640